

## REMARKS

Claims 1-31 were pending prior to entering this amendment. Claims 1-4, 11, 13-16, 18, 19, and 31 have been amended. Claims 7, 9, 10, 12, 17, 24, and 28-29 have been cancelled. Applicant requests reconsideration and allowance of the present application.

### March 27, 2008 telephone interview

A telephone interview was conducted between Attorney Michael Cofield and Examiner Igor Borissov. During the telephone interview, Attorney Cofield again reminded the Examiner that at least portions of Elms are not prior art because Elms was filed after the present application. Under MPEP 2136.03, paragraph III, the Examiner cannot rely on portions of Elms that are not supported by the corresponding provisional. *See* MPEP 2136.03, paragraph III. Here, it is noted that Elm's supporting provisional includes only a few pages of disclosure, and for this and other reasons, it is apparent that at least substantial portions of Elms are unsupported by the corresponding provisional.

During the interview, Applicant asked the Examiner why the Office Action does not reveal which portions of the Elms provisional application are relied upon to support the cited portions of the Elms non-provisional application, particularly since the Applicant already stated in the Amendment filed on April 25, 2007 that at least the feature of "analyzing the B2B exchange to match a first buying party identified in the B2B exchange with a second selling party identified in the B2B exchange according to the predetermined criteria" is unsupported by Elm's provisional application. *See* Applicants April 25, 2007 Amendment, pages 12 and 13. The Examiner seemed to tentatively agree that at least this feature is undisclosed in Elm's provisional application. It would be helpful towards crystallizing any remaining issues if any future Office Actions citing Elms includes citations to both the Elms non-provisional application and the Elms provisional application.

Thereafter, the Examiner generalized on potentially available art besides Elms that could be used to reject the claimed invention. Although the Examiner did not have specific citations available for Applicant to reference in preparing claim amendments to make this potentially available art moot, it is believed that the claims, as amended, overcome all the generalized potentially available art as discussed during the telephone interview. If, upon receiving this

Amendment, the Examiner believes that the potentially available art is still moot, the Examiner is requested to call Attorney Cofield at 503-224-2170, ext. 211, and provide Attorney Cofield with citations to this potentially available art so that any necessary further clarifying amendments can be made at that time to expedite prosecution.

#### **Claim Rejections - 35 U.S.C. § 112**

Claims 1-8 and 11-31 were rejected under 35 U.S.C. § 112, first paragraph.

Claim 1 has been amended for clarification, and it is believed that the rejection is moot in light of the amendments. The amended portions of claim 1 are supported by numerous portions of the specification, for example, pages 9-11.

Claim 2 has been amended for clarification, and it is believed that the rejection is moot in light of the amendments. The amended portions of claim 2 are supported by numerous portions of the specification, for example, page 14, lines 13-23.

Claim 11 has been amended for clarification, and it is believed that the rejection is moot in light of the amendments. The amended portions of claim 11 are supported by numerous portions of the specification, for example, page 9, lines 5-8.

The subject matter of claims 13 and 14 is described in the present application. *See at least page 10, lines 3-9.*

Claim 18 has been amended for clarification, and it is believed that the rejection is moot in light of the amendments. The amended portions of claim 11 are supported by numerous portions of the specification, for example, page 11, lines 1-25.

Claim 19 has been amended for clarification, and it is believed that the rejection is moot in light of the amendments. The amended portions of claim 19 are supported by numerous portions of the specification, for example, page 9, lines 5-8. *See at least page 10, lines 3-9.*

The subject matter of claim 20 is described in the present application. *See at least page 17, lines 20-24.*

The subject matter of claims 13 and 14 is described in the present application. *See at least page 10, lines 3-9.*

#### **Claim Rejections - 35 U.S.C. § 101**

Claim 11 was rejected under 35 U.S.C. § 101.

Claim 11 has been amended for clarification, and it is believed that the rejection is moot in light of the amendments. Namely, claim 11, as amended, is directed to an apparatus.

### **Claim Rejections - 35 U.S.C. § 103**

Claims 1-4, 7-14, 17-21, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Elms, *et al.*, (U.S. Patent Application Publication 2002/0072992) in view of Chack (U.S. Patent 6,438,599).

The rejection based on Elms is improper for similar reasons as explained above in the interview summary section. Namely, Elms was filed after the present application, therefore, the only portions of Elms that are supported by the Elms provisional application can even potentially be considered as prior art. Here, all of the cited portions of Elms used in the rejection are not prior art because all of these cited portions are unsupported by the provisional application. Thus, for at least this reason, the rejections of claims 1-4, 8, 11, 13-14, and 18-21 is improper. Thus, claims 1-4, 8, 11, 13-14, and 18-21 should be allowed. Claims 7, 9, 10, 12, 17, and 24 have been cancelled.

The amendments to claim 1 are supported by numerous portions of the application, such as the example described on page 13, line 6, and continuing through page 14, lines 1-11. For additional support for the amendments to claim 1, the Examiner is also directed to page 9, which disclosed four main types of options for the LCT communications platform.

Claims 5-6, 15-16, 22-23, and 25-27 under 35 U.S.C. § 103(a) were rejected over Elms in view of Chack and further in view of Walker, *et al.*, (U.S. Patent Application Publication 2002/0169626).

Claims 5-6, 15-16, 22-23, and 25-27 should be allowed for at least similar reasons as stated above.

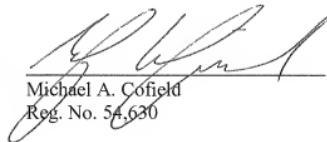
### Conclusion

For the foregoing reasons, the applicants request reconsideration and allowance of the present application. The applicants encourage the examiner to telephone the undersigned at 503 224-2170, ext. 211 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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